



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 3, 2022
SUBJECT/REPORT NO:	Applications for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 136 and 144 Upper Mount Albion Road, Stoney Creek (PED22130) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Rino Dal Bello (905) 546-2424 Ext. 1024
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-21-016, by Bousfields Inc. on behalf of Taha Group of Companies Inc., (Owner)**, to re-designate the subject lands from “Local Commercial” to “High Density Residential 1” with a Special Policy Area in the West Mountain Area Secondary Plan, to permit a 145 unit, six-storey multiple dwelling with a maximum density of 280 units per hectare, for the lands located at 136 and 144 Upper Mount Albion Road, as shown on Appendix “A” attached to Report PED22130, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22130, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);

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- (b) That **Amended Zoning By-law Amendment Application ZAC-21-033, by Bousfields Inc. on behalf of Taha Group of Companies Inc., (Owner)**, for a change in zoning from Community Commercial (C3, 304, 570, H82) Zone, to Mixed Use Medium Density (C5, 813) Zone, to permit a 145 units, six-storey multiple dwelling with one level of underground parking, for lands located at 136 and 144 Upper Mount Albion Road, as shown on Appendix “A” attached to Report PED22130, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED22130, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No._____.

EXECUTIVE SUMMARY

The Owner, Taha Group of Companies Inc., has applied for an Urban Hamilton Official Plan and Zoning By-law Amendment to permit a 145 unit, six-storey multiple dwelling with one level of underground parking for the lands located at 136 and 144 Upper Mount Albion Road in Stoney Creek.

The purpose of the Urban Hamilton Official Plan Amendment Application is to re-designate the subject lands from “Local Commercial” to “High Density Residential 1” in the West Mountain Heritage Green Secondary Plan and add a Site-Specific Policy to permit a maximum density of 280 units per hectare.

The purpose of the Zoning By-law Amendment application is for a change in zoning from the Community Commercial (C3, 304, 570, H82) Zone to the Mixed Use Medium Density (C5, 813) Zone, to permit a 145 unit, six storey multiple dwelling with one level of underground parking. A total of 154 parking spaces will be provided. Modifications to the (C5) Zone have been requested to reduce the building setback from the street, interior side yard, planting strip abutting a residential zone, the encroachment of a porch, deck or canopy to the interior side yard, increase the building height, eliminate a visual barrier from the southerly lot line adjacent to the trail, and eliminate a planting strip between at grade surface parking and the street line.

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The proposal has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (PPS, 2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the general intent of the Urban Hamilton Official Plan and the West Mountain Heritage Green Secondary Plan upon adoption of the Official Plan Amendment No. ____; and,
- The proposed development is compatible with the existing land uses in the immediate area and represents good planning by providing a six-storey multiple dwelling in an area that has sufficient infrastructure to support the development.

Alternatives for Consideration – See Page 24

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one public meeting to consider an Application for an amendment to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

Application Details	
Owner:	Tara Group of Companies
Applicant/Agent:	Bousfields Inc. c/o David Falletta
File Number:	UHOPA-21-016 and ZAC-21-033
Type of Application:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment.
Proposal:	<p>The original submission was to add a Site Specific Policy to the “Local Commercial” designation for the subject lands to permit a standalone residential use.</p> <p>The amended Urban Hamilton Official Plan Amendment application is to change the designation from “Local Commercial” to “High Density Residential 1” with a Site-Specific Policy to permit a maximum density of 280 units per hectare.</p>

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Application Details	
Proposal Continued:	The original submission was to add to the further modify the Community Commercial (C3, 304, 570, H82) Zone. Through consultation with staff, the applicant amended the application to rezone from Community Commercial (C3, 304, 570, H82) Zone to Mixed Use Medium Density (C5, 813) Zone, to permit a 145 unit, six-storey multiple dwelling. One level of underground parking with a total of 154 parking spaces is proposed. The zoning amendment includes site specific modifications to the Zoning By-law.
Property Details	
Municipal Address:	136 and 144 Upper Mount Albion Road, Stoney Creek
Lot Area:	0.5226 hectares (net area)
Servicing:	The property is serviced by municipal services.
Existing Use:	The site is vacant.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), as amended.
Urban Hamilton Official Plan Existing:	“Neighbourhoods” as per Schedule E; and, “Neighbourhoods” as per Schedule E-1
Official Plan Proposed:	No amendment requested to Urban Hamilton Official Plan (Volume 1)
Secondary Plan Existing:	“Local Commercial” - West Mountain Heritage Green Secondary Plan, Land Use Plan Map B.7.6.1.
Secondary Plan Proposed:	Re-designate the subject lands from “Local Commercial” to “High Density Residential 1” with a Site Specific Policy to permit a maximum density of 280 units per hectare.
Zoning Existing:	Community Commercial (C3, 304, 570, H82) Zone.
Zoning Proposed:	Mixed Use Medium Density (C5, 813) Zone. The Zoning By-law Amendment includes site specific modifications to the Zoning By-law.

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Documents	
Modifications proposed	<p>The following modifications have been requested by the Applicant:</p> <ul style="list-style-type: none"> • To reduce the minimum building setback from a street line with residential units on the ground floor facing a street from 3.0 metres to 0.0 metres; • To reduce the minimum interior side yard abutting a residential or institutional zone from 7.5 metres to 2.5 metres; • To increase the maximum building height from 22.0 metres to 24.0 metres; • To permit a principal entrance to a ground floor lobby of a multiple dwelling building to be located on the portion of the façade that is not setback closest to the street; • To reduce the planting strip where a property line abuts a property lot line within a residential zone or institutional zone from 1.5 metres to 0.0 metres; • To reduce the encroachment of a porch, deck or canopy to any yard from a maximum of 1.5 metres to 1.2 metres from the southern lot line; • To eliminate a visual barrier along the southerly lot line adjacent to a public trail; and, • To eliminate a planting strip between at grade surface parking and the street line.
Processing Details	
Received:	July 15, 2021.
Deemed Complete:	August 18, 2021.
Notice of Complete Application:	Sent to 92 property owners within 120 metres of the subject property on August 25, 2021.
Public Notice Sign:	Sign Posted on August 24, 2021 and updated on July 6, 2022.
Notice of Public Meeting:	Sent to 92 property owners within 120 metres of the subject property on July 15, 2022.
Public Open House:	December 15, 2021.
Public Comments:	One telephone call with a resident and there were no written comments.
Processing Time:	317 days from the date of receipt of Applications. 129 days from the amended Applications

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant Site	Community Commercial (C3) Zone, Exception 304, 579, H82

Surrounding Land Uses:

North	Commercial Plaza	Community Commercial (C3) Zone, Exception 304, 579.
South	Trail/Institutional	Major Institutional (I3) Zone.
East	Residential	Multiple Residential (RM3) Zone.
West	Commercial	District Commercial (C6, 349) Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020) PPS. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The following policies, amongst others, apply to the applications.

“Section 1.1.1 “Healthy, liveable and safe communities are sustained by:

- a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- e) Promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- g) Ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs;

1.1.3.1 Settlement areas shall be the focus of growth and development;

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- 1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses:
- a) Efficiently use land and resources;
 - b) Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomic expansion;
 - e) Support active transportation; and,
 - f) Are transit-supportive, where transit is planned, exists or may be development;
- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs; and,
- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.”

The proposed development represents a compatible form of residential greenfield area development which provides additional housing opportunities in the neighbourhood and promotes efficient use of land, existing infrastructure, and existing public transit. The proposed development is a compact form of development that is appropriate in scale for the lands and the surrounding area.

Based on the foregoing, the proposal is consistent with the PPS (2020).

Growth Plan for the Greater Golden Horseshoe (2019, as amended)

As of May 16, 2019, the provisions of the A Place to Grow: Growth Plan for the Greater Golden Horseshoe apply to any planning decisions. The following policies of the Growth Plan, amongst others are applicable to this proposal.

- “2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

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- a) The vast majority of growth will be directed to settlement areas that:
 - i) Have a delineated built boundary;
 - ii) Have existing or planned municipal water and wastewater systems; and,
 - iii) Can support the achievement of complete communities;

2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:

- a) Feature a diverse mix of land uses including residential and employment uses, and convenient access to local stores, services and public service facilities;
- c) Provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; and,
- e) Provide for a more compact built form and a vibrant public realm, including public open spaces.”

The subject lands are located within an area with full municipal water and wastewater infrastructure. The proposed development contributes toward providing a range of unit types consisting of one, two and three bedroom options. The proposal is a form of residential greenfield development and the development is optimizing existing land and infrastructure.

Based on the foregoing, the proposal conforms with the policies of the Growth Plan.

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure, designated “Neighbourhoods” on Schedule E-1, Urban Land Use Designation and shown outside of the Built Boundary on Appendix “G”- Boundaries Map.

The following policies, amongst others, apply to the proposal.

High Density Residential

“E.3.6.4 High density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities/services,

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including public transit, schools, and active or passive recreational facilities;

E.3.6.6 In high density residential areas, the permitted net residential densities, identified on Appendix G – Boundaries Map shall be:

- b) Greater than 100 units per hectare and not greater than 200 units per hectare in all other Neighbourhoods designation areas.

E.3.6.7 Development within the high density residential category shall be evaluated on the basis of the following criteria:

- a) Development should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may be permitted indirect access to a collector or major or minor arterial roads from a local road upon which only a small number of low density residential dwellings are fronting on the local road. (OPA 109);
- b) High profile multiple dwellings shall not generally be permitted immediately adjacent to low profile residential uses. A separation distance shall generally be required and may be in the form of a suitable intervening land use, such as a medium density residential use. Where such separations cannot be achieved, transitional features such as effective screening and/or design features shall be incorporated into the design of the high density development to mitigate adverse impact on adjacent low profile residential uses;
- d) Development shall:
 - i) Provide adequate landscaping, amenity features, on-site parking, and buffering where required;
 - ii) Be compatible with existing and future uses in the surrounding area in terms of heights, massing, and an arrangement of buildings and structures; and,
 - iii) Provide adequate access to the property, designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets;
- e) In accordance with the policies of Section B.3.3 – Urban Design

Policies, development shall contribute to an attractive public realm by minimizing the view of the following elements from the abutting public streets (excluding public alleys):

- i) Surface parking areas;
 - iii) Utility and service structures such as garbage enclosures; and,
 - iv) Expanses of blank walls;
- f) The City may require studies, in accordance with Chapter F - Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.”

The proposed development is located near the intersection of Paramount Drive and Upper Mount Albion Road and the surrounding area is characterized by a mixed-use area, consisting of commercial and residential land uses. The proposed development will have access to Upper Mount Albion Road and the proposed site access is aligned with the access of an existing commercial development (Policy E.3.6.7 a)).

The proposed development is providing a landscaped area and fencing adjacent to the existing low rise residential, to screen the development from the adjacent residential. There are setbacks at the rear of the proposed building starting at the second floor so to minimize impacts on the rear yards of the low rise residential (Policy E.3.6.7 b)).

The proposed development provides a centralized amenity area, on site landscaping for the residents and one level of underground parking. The development provides adequate access to the property and is designed to minimize conflicts between road traffic and pedestrians (Policy E.3.6.7 d)). The development is compatible with the existing commercial and residential uses. The planned future uses in the surrounding area will be compatible with the proposed development in terms of proposed height and massing (Policy E.3.6.7 d). ii)).

The preliminary elevations have been reviewed which includes windows and door openings along the façade along Upper Mount Albion Road in order for the façade to not be a blank wall. Minor modifications and final reviews of the proposed elevations (including material and landscaping) will be addressed at the Site Plan Control stage (Policies E.3.6.4 and E.3.6.7 a), e) and f)).

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The development is proposing an increase in density and the technical studies provided show there is sufficient infrastructure and the site is able to support the proposed increase. The technical studies also demonstrated that the height, orientation, design and massing of the building does not overshadow, block light, or reduce the loss of privacy on adjacent residential uses (Policy E3.6.7 f)).

Residential Greenfield Design

- “E.3.7.1 New greenfield communities shall be designed with a unique and cohesive character. Buildings, streetscapes, street patterns, landscaping, open spaces, and infrastructure shall be designed to contribute to this character;
- E.3.7.2 New greenfield communities shall be designed to include a focal point. All elements of the design of the community including the layout of streets, trails, pedestrian connections, and transit routes as well as the location of land uses and transit stops, shall contribute to creation of the community focal point;
- E.3.7.5 New residential development in greenfield areas shall generally be designed and planned to:
- a) Minimize changes to existing topography;
- E.3.7.6 New development or redevelopment adjacent to open spaces shall:
- a) Minimize the impacts on natural heritage features;
 - b) Maintain or enhance public access to trails, bikeways, and parks within these features;
 - c) Preserve or enhance public views to these features; and,
 - d) Use native plant material adjacent to these features.”

The subject site is located on Upper Mount Albion Road, near the intersection of Paramount Drive and Upper Mount Albion Road and the surrounding area is characterized by a mixed-use area, consisting of commercial and residential land uses. The subject lands constitute a greenfield development as the lands are within the Urban Boundary but outside of the Built-Up Area. The subject lands are in an area where full municipal services are available.

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The proposed multiple dwelling provides a range of one and two-bedroom dwelling units and makes efficient use of an underutilized site with an appropriately scaled residential building. The proposal complements the existing function of the neighbourhood by providing a compact, mid-rise built form development in proximity to transit, commercial land uses and community trails.

Outdoor amenity space has been provided for the entire development which will complement the existing public parks within walking distance of the subject site, including Beemer Park located approximately 450 metres to the south.

The proposed development will provide landscaping that will buffer neighbouring properties, consistent with the amount of landscaping on other properties in the neighbourhood to eliminate potential privacy concerns for adjoining residents. The proposed building has been brought up to the street line and incorporates unit entrances at grade to enhance the streetscape.

The subject site has recently been through a Consent application (SC/B-20-95) which proposed the severance of the northerly portion of these lands (146 Upper Mount Albion Road - Mr. Lube Shop) from the subject property, and established a servicing easement through the 146 Upper Mount Albion Road lands to establish sanitary service connection through the subject lands to an existing sanitary main stubbed at their north east property line. The servicing easement has been established and the private sanitary sewer up to the severance line has been built for the subject development to connect to.

Urban Design Policies

“B.3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:

- a) Complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- d) Complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) Encouraging a harmonious and compatible approach to infilling by

minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm;

B.3.3.2.8 Urban design should promote environmental sustainability by: a) achieving compact development and resulting built forms.”

The surrounding area is characterized by a mixed-use area, consisting of commercial and residential land uses. The proposed building has been brought up to the street line and incorporates unit entrances at grade to enhance the streetscape. Preliminary elevations have been reviewed which includes windows and door openings along the façade along Upper Mount Albion Road in order for the façade to not be a blank wall (Policies B.3.3.2.6 and B.3.3.2.8).

Built Form

“B.3.3.3 Built form shapes the visual qualities of streets and open spaces but also affects how the public spaces around buildings are used, experienced, and perceived. Our city is built one building at a time and each building contributes to the overall design of the City, therefore attention to each building is an important step in the city building process. Built form plays a large role in defining the character of an area. New development shall serve to maintain and support existing character or create and promote the evolution of the character in areas where transformations are appropriate and planned;

B.3.3.3.2 New development shall be designed to minimize impact on neighbouring buildings and public spaces by:

- a) Creating transitions in scale to neighbouring buildings;
- b) Ensuring adequate privacy and sunlight to neighbouring properties; and,
- c) Minimizing the impacts of shadows and wind conditions;

B.3.3.3.3 New development shall be massed to respect existing and planned street Proportions;

B.3.3.3.4 New development shall define the street through consistent setbacks and

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building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law; and,

- B.3.3.3.5 Built form shall create comfortable pedestrian environments by:
- a) Locating principal façades and primary building entrances parallel to and as close to the street as possible; and,
 - d) Locating surface parking to the sides or rear of sites or buildings, where appropriate.”

The proposed building includes setbacks above the fourth storey which assists to de-emphasize the upper storeys of the building from a pedestrian perspective along Upper Mount Albion Road. There are setbacks at the rear of the proposed building, adjacent to the existing residential starting at the second floor so to minimize overlook on the rear yards of the adjacent townhouses (Policies B.3.3.2.6 a), B.3.3.3.4, and B.3.3.3.5 a) and d)).

A shadow study prepared by RAW Design for the proposed development was provided and assessed the shadow at the spring and fall equinoxes (March 21 and September 21). The sun/shadow study shows that, at the equinoxes, there will be incremental shadow impacts on the rear yards of the townhouse dwellings to the east from 4:50 p.m. until sunset. The rear yards of the townhouse units will have a maximum of 8 hours of sunlight. There are no shadow impacts to the existing trail which abuts the subject site (Policy B.3.3.3.2).

Noise

- “B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:
- b) 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification.”

The subject lands are close to existing noise sources, primarily from surrounding roads. An Environmental Noise Impact Study by dBA Acoustical Consultants Inc. dated June 2021, prepared in support of the proposed six-storey multiple dwelling, evaluated noise impacts from vehicular traffic along Upper Mount Albion Road. Noise warning clauses

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will be required in all purchase and sale and lease agreements and in the undertaking on the final approved Site Plan.

The following noise control measures are required to satisfy the indoor and outdoor noise level criterion:

- A/C and Central Air for specific units recommended in Table 7 in the noise report;
- Window, Door, and Wall construction recommended in Table 6 in the noise report;
- Qualified Acoustical Consultant certifies that the required noise control measures have been incorporated into the builder's plans prior to issuance of a building permit; and,
- Prior to issuance of an occupancy permit or equivalent, it is recommended the Qualified Acoustical Consultant certify that the approved noise control measures have been professionally installed.

All noise mitigation measures will be implemented at the Site Plan Control stage.

West Mountain Heritage Green Secondary Plan

The subject lands are designated "Local Commercial" on Map B.7.6-1 Land Use Plan, in the West Mountain Heritage Green Secondary Plan. The proposal is to re-designate the subject lands from "Local Commercial" to "High Density Residential 1" and to permit a maximum residential density of 280 units per units per hectare. The following policies, amongst others, apply to the proposal.

General Policies

"7.6.1.1 Residential development shall be permitted only when full urban services are available;

Residential Designations

7.6.2.4 Section E.3.6 – High Density Residential of Volume 1 shall apply to lands designated High Density Residential 1;

Commercial Designations

7.6.3.1 The commercial areas for the West Mountain Heritage Green Secondary Plan area are designated Local Commercial, District Commercial, Arterial Commercial and Mixed Use – Medium Density on Map B.7.6-1 – West Mountain (Heritage Green) – Land Use Plan. (OPA 142);

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7.6.3.2 Local Commercial Designation

- a) Sections E.3.8 – Local Commercial of Volume 1 shall apply to lands designated Local Commercial on Map 7.6-1 – West Mountain Area (Heritage Green) – Land Use Plan; (OPA 64)
- b) Notwithstanding Section E.3.8.6 – Local Commercial of Volume 1, the maximum gross floor area of any individual commercial establishment shall be 500 square metres and the maximum gross floor areas of any grouping of local commercial uses shall be 1500 square metres; and,

7.6.5.5 In the review of development proposals, every attempt shall be made to integrate public open space linkages with adjacent multiple-family residential development and institutional uses in order to enhance the use of such linkages.”

As discussed, under the Urban Hamilton Official Plan “High Density Residential” policies, the proposed development is compatible with the existing commercial uses and provides a transition to the adjacent existing low rise residential uses. The proposal complements the existing function of the neighbourhood by providing a compact, mid-rise built form development in proximity to transit, commercial uses and community trails. The planned future uses in the surrounding area in terms of proposed height and massing will be compatible with the proposed development. The proposed development complies with the “High Density Residential 1” policies and the technical studies demonstrate that the height, orientation, design and massing of the building does not have an impact on the adjacent residential uses.

The removal of the commercial component of these lands will not have an impact on the overall function of the West Mountain Heritage Green Secondary Plan. The proposed development will integrate well with the existing development in the Neighbourhood.

Based on the foregoing, Staff are of the opinion that the proposal complies with the applicable policies of the West Mountain Heritage Green Secondary Plan subject to the proposed amendment.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Community Commercial (C3, 304, 579, H82) Zone, under the Hamilton Zoning By-law No. 05-200 which permits a variety of commercial uses.

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The Application is to amend the Hamilton Zoning By-law No. 05-200 from the Community Commercial (C3, 304, 579, H82) Zone, to the Mixed Use Medium Density (C5, 813) Zone, to permit a six-storey multiple dwelling that would contain 145 units and one level of underground parking with a total of 154 parking spaces.

An analysis of the proposed modifications is provided in the Zoning By-law Site Specific Modification Table contained in Appendix “E” attached to Report PED22130.

Holding Provision

Council passed By-law No. 17-139 on July 14, 2017, which applied a Holding Provision to the zoning of the subject lands and shall be removed upon fulfilment of the below noted condition:

- i) Municipal sanitary sewers, municipal water and storm sewers are available and adequate to service the subject lands and a development agreement has been entered into by the owner with the City, to the satisfaction of the Senior Director of Growth Management.

The Applicant has submitted a survey of the adjacent lands and a Functional Servicing Report for the subject lands which indicates a servicing easement has been established through the adjacent lands located at 146 Upper Mount Albion Road which provides a sanitary service connection through the adjacent lands to an existing 250mm sanitary main stubbed at the north east property line of the subject lands. The servicing easement has been established and the private sanitary sewer up to the property line has been built to service the proposed development.

Staff are satisfied that the requirements for the removal of the Holding Provision as it applies to the subject lands have been satisfied and are not recommending carrying the Holding Provision forward into the implementing zoning by-law.

RELEVANT CONSULTATION

Departments and Agencies	
<ul style="list-style-type: none">• Public Health Services, Healthy Environments Division, Healthy and Safe Communities Department;• Recreation Division, Healthy and Safe Communities Department;• Real Estate Section and Economic Development Division; and,• Commercial Districts and Small Business Section, Urban Renewal Division.	No Comment

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Departments and Agencies		
<ul style="list-style-type: none"> • Canada Post; • Bell Canada; and, • Union Gas. 		No Comment
Department	Comment	Staff Response
Development Engineering Approvals Section, Planning and Economic Development Department	<p>The Development Engineering Approvals section does not have any objections to this application moving forward, and further servicing and grading details and Construction Management plan will be reviewed at the Site Plan Control Application stage.</p> <p>There is no municipal sanitary sewer on Upper Mount Albion Road. This Section also recently commented on consent Application SC/B-20:95 which proposed the severance of the northerly portion of these lands from the subject property, and to establish a servicing easement through the 146 Upper Mount Albion Road - Mr. Lube Shop lands to establish sanitary service connection through their lands to the existing 250mm sanitary main stubbed at their north east property line. The servicing easement has been established and a private sanitary sewer up to the severance line is built for the subject development to connect to. The functional servicing report has demonstrated there is sanitary capacity and the external drainage areas are able to handle the existing sanitary system to the east up to the 600mm trunk sewer west of Winterberry Drive without exceeding the 75% free flow capacity.</p>	<p>Development Engineering have requested the following at the Site Plan Control Stage:</p> <ul style="list-style-type: none"> • Grading and Drainage Control; • Stormwater Management Design; • Site Servicing Plan; and, • Detailed Shoring Plans for the underground parking.
Transportation Planning and Parking Division, Planning and Economic Development Department	Transportation Planning can support the Official Plan Amendment as the existing road network can accommodate the additional development generated traffic volumes, as demonstrated by the Transportation Impact Study.	As a Special Condition of Site Plan Approval, a letter certifying the design of the parking garage ramps shall be required.

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Department	Comment	Staff Response
<p>Transportation Planning and Parking Division, Planning and Economic Development Department Continued</p>	<p>Transportation Planning can support the Zoning By-law Amendment as the road network can accommodate the increased site generated traffic volumes.</p> <p>The existing right-of-way at the subject property is approximately 20 metres. Approximately, 3 metres are to be dedicated to the right-of-way on Upper Mount Albion Road, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Upper Mount Albion Road is to be 26.213 metres.</p> <p>The Owner/Applicant has illustrated the right-of-way dedication on the site plan. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).</p> <p>The first 7.5 metres of the driveway from the property line shall be a maximum 5% grade and thereafter shall be within a maximum 10% grade. The site plan is showing a 15% grade and a transition of 7.5% for 3.65 metres. A letter certifying the design of the parking garage ramps shall be required to be provided and signed by a Licenced Architect or Engineer.</p>	<p>Right of way dedications will be addressed at the Site Plan Control Application.</p>
<p>Transit Planning and Infrastructure, Transit Operations Division</p>	<p>Route #44 Rymal was extended to Heritage Greene Terminal. The route serves the Ancaster Business Park, Rymal Road, Elfrida, Eastgate Square Terminal and Confederation GO Station on a daily basis. Customers can gain access to this route at terminal stops on both sides of Upper Mount Albion Road, between Stone Church Road and Artfrank Drive.</p>	<p>Noted.</p>

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Department	Comment	Staff Response
Transit Planning and Infrastructure, Transit Operations Division Continued	Transportation Impact Study reference's the proponent providing an introductory PRESTO card in resident welcome packages is a worthwhile strategy.	
Growth Planning Section, Growth Management Division	<p>A PIN Abstract would be required with the submission of a future Draft Plan of Condominium Application. If the intent is to phase the Condominium, Schedules "G" and "K" as per the <i>Condominium Act</i>, would be required for future phases. If condominium, it should also be confirmed if the proposed parking and storage lockers will be unitized.</p> <p>The Owner and Agent should be made aware that the address for this proposal will be determined after conditional Site Plan approval is granted.</p>	<p>The municipal address will be addressed at the Site Plan Control Stage.</p> <p>A condominium Application will be required if condominium tenure is proposed.</p>
Public Works Department	<p>A multi-use trail is adjacent to the subject lands and staff will be requesting a grading and drainage plan at the Site Plan Control Stage.</p> <p>Cash in lieu of parkland will be required.</p>	<p>The grading and drainage plans will be reviewed at the Site Plan Control stage.</p> <p>Cash in lieu of parkland will be collected at the building permit stage.</p>
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<p>Forestry approves Tree Preservation Plan No 1-dated 2021-06-16. There are no municipal tree assets that require removal, permit or tree protection currently.</p> <p>Forestry will provide detailed comments on the Landscape plans at the Site Plan Control Stage.</p>	A landscape plan will be reviewed at the Site Plan Control application.
Waste Management Division, Public Works Department	This development is a multi-residential building which will require front-end garbage bin service and cart collection for recycling and organic material.	Details regarding eligibility for municipal waste collection, garbage chute system and how waste material will be moved from the waste storage area to the waste loading area will be addressed through the Site Plan Control Application.

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Department	Comment	Staff Response
Waste Management Division, Public Works Department Continued	<p>The internal waste storage area included in the site plan must be sufficiently sized to store the required waste containers based on the number of dwelling units in the building. Additional information is required as the site plan identifies a multi-sort chute system.</p> <p>The City currently does not provide front-end bin collection for recyclable materials or organic material. More information is required explaining how the carts will be utilized along with the tri-sorter.</p> <p>The proposed garbage chute system will require a lock out mechanism to restrict public access.</p> <p>Information is required regarding how waste material will be moved from the waste storage area to the waste loading area.</p>	
Hamilton Conservation Authority (HCA)	HCA have no concerns regarding the proposed Zoning Amendment or the Official Plan Amendment.	Noted
Alectra Utilities	Provided information for electrical service and facility requirements.	Applicant will be required to contact Alectra Utilities for hydro facilities and services at the Site Plan Control Application.

Hamilton Design Review Panel

The proposal was reviewed by the Design Review Panel on November 11, 2021. The panel commented on the following:

- Façade facing Upper Mount Albion indicating that units facing the street will active the street;
- Positive comments on the external amenity space;
- A positive feature was the placing of parking underground;
- The step back of the building at different levels was supportive;

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- Revisit the type of screening for the surface parking to the rear of the building; and,
- The panel generally supported the proposal.

Feedback received by the panel will be considered and implemented through the Site Plan Control Application.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 92 property owners within 120 metres of the subject property on August 25, 2021. A Public Notice sign was posted on the property on August 24, 2021 and updated with the public meeting date on July 6, 2022. Finally, Notice of the Public Meeting was mailed to 92 property owners within 120 metres of the subject lands on July 15, 2022.

As of the time of preparation of the Report, staff have received no written submissions regarding the Applications.

Public Consultation Strategy

In addition to the requirements of the *Planning Act*, as part of the Planning Justification Report the Applicant's Public Consultation Strategy identified holding a virtual public meeting which was held on December 15, 2021. The Ward Councillor, City staff, the agent for the applicant and six individuals were in attendance. The Applicant presented the proposal to members of the public and answered questions associated with the Applications.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), as amended;
 - (ii) It complies with the general intent of the Urban Hamilton Official Plan and the West Mountain Heritage Green Secondary Plan; and,
 - (iii) The proposed development is compatible with the existing land uses in the immediate area and represents good planning by, among other things,

providing additional dwelling units, making efficient use of the existing infrastructure and supporting public transit.

2. The Official Plan Amendment is to designate the subject lands “High Density Residential 1” within the West Mountain Heritage Green Secondary Plan to permit a standalone six-storey multiple dwelling and add a Site-Specific Policy to increase the maximum density of the site from 150 units per hectare to 280 units per hectare. The review of the Official Plan Amendment can be summarized as follows:

- The proposed development will contribute to the area’s commercial uses that are currently present and planned by adding new residential uses;
- The proposed parking will be underground and out of view from the public view, with some parking at grade which is screened by the building;
- The proposed height is proportionate with the existing right-of-way width along Upper Mount Albion Road and does establish an appropriate street wall;
- The proposed step backs on the front facade and to the rear of the building are appropriate;
- The proposed development provides a mix of bedroom types which includes 24 one bedroom units, 95 two bedroom units and 26 three bedroom units;
- The proposed development provides an appropriate amount of landscaping, amenity area and on-site parking while minimizing shadowing and privacy impacts on adjacent low density residential uses; and,
- The proposal activates the public realm by having primary entrances to units that front along Upper Mount Albion Road.

Based on the foregoing, staff are satisfied that the intent of the UHOP has been met and the proposed Official Plan Amendment can be supported.

The Zoning By-law Amendment Application is for a change in zoning from the Community Commercial (C3, 304, 570, H82) Zone to Mixed Use Medium Density (C5, 813) Zone, under the Hamilton Zoning By-law No. 05-200. The zoning by-law amendment will permit a six-storey multiple dwelling that would contain 145 units and one level of underground parking with a total of 154 parking spaces.

Given that the proposed development will complement, through a compact design that includes a mix of bedroom types, the existing and planned surrounding neighbourhood and will is compatible with the character of the surrounding area, staff are supportive of the proposed Zoning By-law Amendment.

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The implementing by-law proposes modifications to the Mixed Use Medium Density (C5, 813) Zone which are discussed in detail in Appendix “E” attached to Report PED22130. The proposed development is compatible with existing land uses in the immediate area, can be serviced using existing infrastructure and will contribute to a complete community. Therefore, staff support the proposed Zoning By-law Amendment.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject property would remain designated “Local Commercial” under the Urban Hamilton Official Plan and would remain zoned Community Commercial (C3, 304, 570, H82) Zone in the Hamilton Zoning By-law No. 05-200, which permits a variety of commercial uses.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED22130 – Location Map

Appendix “B” to Report PED22130 – Draft Amendment to Official Plan

Appendix “C” to Report PED22130 – Draft Amendment to Zoning By-law No. 05-200

Appendix “D” to Report PED22130 – Concept Plan

Appendix “E” to Report PED22130 – Zoning By-law Site Specific Modifications

RD:sd